

1001 G Street, N.W.
Suite 500 West
Washington, D.C. 20001
tel. 202.434.4100
fax 202.434.4646

Writer's Direct Access
Timothy A. Doughty
(202) 434-4271
doughty@khlaw.com

July 9, 2019

Via ECFS

Marlene J. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street SW
Washington, DC 20554

**Re: Commonwealth Edison Company's Responses to Complainant Crown
Castle Fiber LLC's First Set of Interrogatories (Proceeding Number 19-
169; Bureau ID Number EB-19-MD-004)**

Ms. Dortch:

Please find attached Commonwealth Edison Company's Responses to Complainant
Crown Castle Fiber LLC's First Set of Interrogatories in Proceeding Number 19-169; Bureau ID
Number EB-19-MD-004.

Sincerely,



Timothy A. Doughty
Attorney for Commonwealth Edison Company

Enclosures

cc: Lisa Saks, Enforcement Bureau
Anthony DeLaurentis, Enforcement Bureau

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

_____)	
)	
Crown Castle Fiber LLC)	
<i>Complainant,</i>)	
)	Proceeding Number 19-169
v.)	Bureau ID Number EB-19-MD-004
)	
Commonwealth Edison Company,)	
<i>Defendant</i>)	
_____)	

**COMMONWEALTH EDISON COMPANY’S RESPONSES
TO COMPLAINANT’S FIRST SET OF INTERROGATORIES**

Defendant Commonwealth Edison Company (“ComEd”), pursuant to Section 1.730 of the Commission’s Rules, 47 C.F.R. §1.730, submits the following Responses to the First Set of Interrogatories of Complainant Crown Castle Fiber LLC (“Crown Castle”) to ComEd related to its Access Complaint captioned above.

INTERROGATORIES

INTERROGATORY NO. 1:

Describe all documents related to ComEd's Pole Inspection program.

RESPONSE: ComEd relies on its previously stated objections, including the general objection that the FCC lacks jurisdiction. Until FCC jurisdiction is established, Crown Castle would not be entitled to receive the requested information in this proceeding. Should the FCC determine that it has jurisdiction, ComEd will provide a response.

INTERROGATORY NO. 2:

Describe the criteria or standards, including pole strength and structural integrity, that ComEd uses during pole inspections to determine whether a pole is classified as a Priority Non-Restorable (Replacement) Reject Pole, Non-Priority Non-Restorable (Replacement) Reject Pole, Priority Restorable (Reinforcement/C-Truss) Reject Pole, or Non-Priority Restorable (Reinforcement/C-Truss) Reject Pole.

RESPONSE: ComEd relies on its previously stated objections, including the general objection that the FCC lacks jurisdiction. Until FCC jurisdiction is established, Crown Castle would not be entitled to receive the requested information in this proceeding. Should the FCC determine that it has jurisdiction, ComEd will provide a response.

INTERROGATORY NO. 3:

State whether ComEd conducts Load Calculations of actual conditions on poles designated as "red tagged," and if it does, for each pole for which Crown Castle has applied to attach that ComEd claims is red tagged, describe the Load Calculations performed, if any, including an explanation of the methodology that ComEd used to conduct the Load Calculations.

RESPONSE: ComEd relies on its previously stated objections, including the general objection that the FCC lacks jurisdiction. Until FCC jurisdiction is established, Crown Castle would not be entitled to receive the requested information in this proceeding. Should the FCC determine that it has jurisdiction, ComEd will provide a response.

INTERROGATORY NO. 4:

If ComEd performs load calculations for Non-Priority Non-Restorable (Replacement) Reject Poles, identify the “set time frame” that ComEd works within to perform those load calculations for Non-Priority Non-Restorable (Replacement) Reject Poles.

RESPONSE: ComEd relies on its previously stated objections, including the general objection that the FCC lacks jurisdiction. Until FCC jurisdiction is established, Crown Castle would not be entitled to receive the requested information in this proceeding. Should the FCC determine that it has jurisdiction, ComEd will provide a response.

INTERROGATORY NO. 5:

For each and every pole that Crown Castle has applied to attach to that ComEd has designated as red tagged, state the basis for denying Crown Castle access to each and every one of those poles.

RESPONSE: ComEd relies on its previously stated objections, including the general objection that the FCC lacks jurisdiction. Until FCC jurisdiction is established, Crown Castle would not be entitled to receive the requested information in this proceeding. Should the FCC determine that it has jurisdiction, ComEd will provide a response.

INTERROGATORY NO. 6:

Describe the basis for prohibiting Crown Castle to install temporary fiber and wireless attachments on poles that ComEd has classified as “red tagged.”

RESPONSE: ComEd relies on its previously stated objections, including the general objection that the FCC lacks jurisdiction. Until FCC jurisdiction is established, Crown Castle would not be entitled to receive the requested information in this proceeding. Should the FCC determine that it has jurisdiction, ComEd will provide a response.

INTERROGATORY NO. 7:

If You contend that ComEd does not have sufficient resources to process Crown Castle's applications for attachments within timelines prescribed by the Federal Communications Commission, identify all facts and assumptions on which you rely to support such contention.

RESPONSE: ComEd relies on its previously stated objections, including the general objection that the FCC lacks jurisdiction. Until FCC jurisdiction is established, Crown Castle would not be entitled to receive the requested information in this proceeding. Should the FCC determine that it has jurisdiction, ComEd will provide a response.

INTERROGATORY NO. 8:

Explain Your basis for prohibiting Crown Castle from directing third party contractors, approved by ComEd, to complete pre-construction surveys, make-ready estimates, or make-ready work.

RESPONSE: ComEd relies on its previously stated objections, including the general objection that the FCC lacks jurisdiction. Until FCC jurisdiction is established, Crown Castle would not be entitled to receive the requested information in this proceeding. Should the FCC determine that it has jurisdiction, ComEd will provide a response.

INTERROGATORY NO. 9:

Since January 1, 2014, for each and every red tag pole designated by You as Priority Non-Restorable (Replacement), Priority Restorable, Non-Priority Non-Restorable

(Replacement), or Non-Priority Restorable, identify the date the pole was designated as red tag, the date it was replaced, and the standards or criteria used to designate it as Priority Non-Restorable (Replacement), Priority Restorable, Non-Priority Non-Restorable (Replacement), or Non-Priority Restorable.

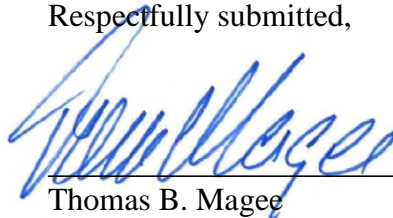
RESPONSE: ComEd relies on its previously stated objections, including the general objection that the FCC lacks jurisdiction. Until FCC jurisdiction is established, Crown Castle would not be entitled to receive the requested information in this proceeding. Should the FCC determine that it has jurisdiction, ComEd will provide a response.

INTERROGATORY NO. 10:

Describe ComEd's pole inspection program, including but not limited to the scope of work for inspecting wood poles, such as the steps, if any, that are include in addition to visual inspection and any remedial treatments applied during the inspection.

RESPONSE: ComEd relies on its previously stated objections, including the general objection that the FCC lacks jurisdiction. Until FCC jurisdiction is established, Crown Castle would not be entitled to receive the requested information in this proceeding. Should the FCC determine that it has jurisdiction, ComEd will provide a response.

Respectfully submitted,



Thomas B. Magee
Timothy A. Doughty
Keller and Heckman LLP
1001 G Street NW
Suite 500 West
Washington, DC 20001
(202) 434-4100 (phone)
(202) 434-4646 (fax)
magee@khlaw.com
doughty@khlaw.com

Attorneys for Commonwealth Edison Company

July 9, 2019

CERTIFICATE OF SERVICE

I, Timothy A. Doughty, hereby certify that on this 9th day of July 2019, a true and authorized copy of Commonwealth Edison Company's Responses to Complainant Crown Castle Fiber LLC's First Set of Interrogatories was served on the parties listed below via electronic mail and was filed with the Commission via ECFS.

Marlene J. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street SW
Washington, DC 20554
ecfs@fcc.gov
(By ECFS Only)

Anthony DeLaurentis
Federal Communications Commission
Enforcement Bureau
445 12th Street SW
Washington, DC 20554
Anthony.DeLaurentis@fcc.gov

Ryan Appel
Davis Wright Tremaine LLP
1919 Pennsylvania Avenue NW, Suite 800
Washington, DC 20006
ryanappel@dwt.com

Lisa Saks
Federal Communications Commission
Enforcement Bureau
445 12th Street SW
Washington, DC 20554
Lisa.Saks@fcc.gov

T. Scott Thompson
Davis Wright Tremaine LLP
1919 Pennsylvania Avenue NW, Suite 800
Washington, DC 20006
scottthompson@dwt.com

/s/_____
Timothy A. Doughty